

1 THOMAS E. FRANKOVICH (State Bar No. 074414)

2 THOMAS E. FRANKOVICH,
3 *A Professional Law Corporation*

4 4328 Redwood Hwy., Suite 300

5 San Francisco, CA 94109

6 Telephone: 415/674-8600

7 Facsimile: 415/674-9900

8 Attorneys for Plaintiffs

9 CRAIG YATES

10 and DISABILITY RIGHTS

11 ENFORCEMENT, EDUCATION,

12 HELP OTHERS

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 CRAIG YATES, an individual: and)
16 DISABILITY RIGHTS, ENFORCEMENT,)
17 EDUCATION, SERVICES:HELPING YOU)
18 HELP OTHERS, a California public benefit)
19 corporation,)

20 Plaintiffs,)

21 v.)

22 HAPPY DRAGON; ZHI GUANG CEN and)
23 JANET LI ZHEN HE, husband and wife;)
24 and CHENG SANDY X HONG, an)
25 individual dba HAPPY DRAGON)
26 CHINESE RESTAURANT,)

27 Defendants.)

28 CASE NO. CV-08-3183-BZ

RETURN OF SERVICE RE DEFENDANTS
ZHI GUANG CEN and JANET LI ZHEN
HE, husband and wife; and CHENG SANDY
X HONG, an individual dba HAPPY
DRAGON CHINESE RESTAURANT

Attorney or Party without Attorney: THOMAS E. FRANKOVICH THOMAS E. FRANKOVICH, APLC 4328 REDWOOD HIGHWAY SAN RAFAEL, CA 94903 Telephone No: 415-444-5800 FAX No: 415 674-9900				For Court Use Only	
Attorney for: Plaintiff				Ref. No. or Fila No.: HAPPY DRAGON	
Insert name of Court, and Judicial District and Branch Court: United States District Court Northern District Of California					
Plaintiff: CRAIG YATES, et al. Defendant: HAPPY DRAGON, et al.					
PROOF OF SERVICE SUMMONS IN A CIVIL		Hearing Date:	Time:	Dept/Div:	Case Number: CV-08-3183-BZ

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the Summons In A Civil Action; Complaint For Injunctive Relief And Damages; Civil Cover Sheet; Consent To Proceed Before A United States Magistrate Judge; Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States District Judge; Notice Of Assignment Of Case To A United States Magistrate Judge For Trial, Drop Box Filing Procedure; Welcome To The U.S. District Court; Scheduling Order For Cases Asserting Denial Of Right Of Access Under Americans With Disabilities Act Title Iii; Standing Orders; Standing Orders For All Judges Of The Northern District Of California; Ecf Registration Information Handout; Dispute Resolution Procedures; Letters Dated August 6, 2008 (3).
3. a. Party served: **ZHI GUANG CEN and JANET LI ZHEN HE, husband and wife**
 b. Person served: **ZHI GUANG CEN**
4. Address where the party was served: **349 11TH AVENUE**
SAN FRANCISCO, CA 94118
5. I served the party.
 a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on Mon., Aug. 11, 2008 (2) at 12:15PM
6. The "Notice to the Person Served" (on the Summons) was completed as follows:
 a. as an individual defendant
7. Person Who Served Papers:
 a. **ANDY ESQUER**
 d. The Fee for Service was:
 e. I am: (3) registered California process server
 (i) Independent Contractor
 (ii) Registration No. 2007-0001009
 (iii) County: San Francisco



8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Tue, Aug 12, 2008

Attorney or Party without Attorney: THOMAS E. FRANKOVICH THOMAS E. FRANKOVICH, APLC 4328 REDWOOD HIGHWAY SAN RAFAEL, CA 94903 Telephone No: 415-444-5800 FAX No: 415 674-9900		For Court Use Only	
Attorney for: Plaintiff		Ref. No. or File No.: HAPPY DRAGON	
Insert name of Court, and Judicial District and Branch Court: United States District Court Northern District Of California			
Plaintiff: CRAIG YATES, et al. Defendant: HAPPY DRAGON, et al.			
PROOF OF SERVICE SUMMONS IN A CIVIL		Hearing Date:	Case Number: CV-08-3183-BZ

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2. I served copies of the Summons In A Civil Action; Complaint For Injunctive Relief And Damages; Civil Cover Sheet; Consent To Proceed Before A United States Magistrate Judge; Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States District Judge; Notice Of Assignment Of Case To A United States Magistrate Judge For Trial; Drop Box Filing Procedure; Welcome To The U.S. District Court; Scheduling Order For Cases Asserting Denial Of Right Of Access Under Americans With Disabilities Act Title Iii; Standing Orders; Standing Orders For All Judges Of The Northern District Of California; Ecf Registration Information Handout; Dispute Resolution Procedures; Letters Dated August 6, 2008 (3).
- 3 a. Party served: **ZHI GUANG CEN and JANET LI ZHEN HE, husband and wife**
 b. Person served: **JANET LI ZHEN HE**
4. Address where the party was served: **349 11TH AVENUE**
SAN FRANCISCO, CA 94118
5. I served the party:
 b. by substituted service. On Mon., Aug. 11, 2008 at 12.15PM by leaving the copies with or in the presence of.
ZHI GUANG CEN, CO-TENANT
 (2) (Home) Competent Member of the Household over 18. I informed him or her of the general nature of the papers.
 (4) A declaration of mailing is attached.
 (5) I attach a declaration of diligence stating actions taken first to attempt personal service.
- 6 The "Notice to the Person Served" (on the Summons) was completed as follows:
 a. as an individual defendant
7. Person Who Served Papers:
 a. **ANDY ESQUER**

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was:

- a. I am: (3) registered California process server
- (i) Independent Contractor
 - (ii) Registration No., 2007-0001009
 - (iii) County, San Francisco



8 I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Tue, Aug. 12, 2008

Andy Esquer
 (ANDY ESQUER)

Attorney or Party without Attorney: THOMAS E. FRANKOVICH THOMAS E. FRANKOVICH, APLC 4328 REDWOOD HIGHWAY SAN RAFAEL, CA 94903		Per Court Use Only	
Telephone No. 415-444-5800 FAX: No: 415 674-9900		Ref. No or File No.: HAPPY DRAGON	
Insert name of Court, and Judicial District and Branch Court: United States District Court Northern District Of California			
Plaintiff: CRAIG YATES, et al. Defendant: HAPPY DRAGON, et al.			
AFFIDAVIT OF REASONABLE DILIGENCE		Hearing Date:	Time:
		Dept/Div:	Case Number: CV-08-3183-BZ

1. I, ANDY ESQUER, and any employee or independent contractors retained by FIRST LEGAL SUPPORT SERVICES are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant ZHI GUANG CEN and JANET LI ZHEN HE, husband and wife as follows:

2. **Documents:** Summons In A Civil Action; Complaint For Injunctive Relief And Damages; Civil Cover Sheet; Consent To Proceed Before A United States Magistrate Judge; Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States District Judge; Notice Of Assignment Of Case To A United States Magistrate Judge For Trial; Drop Box Filing Procedure; Welcome To The U.S. District Court; Scheduling Order For Cases Asserting Denial Of Right Of Access Under Americans With Disabilities Act Title III; Standing Orders; Standing Orders For All Judges Of The Northern District Of California; Ecf Registration Information Handout; Dispute Resolution Procedures; Letters Dated August 6, 2008 (3)..

Day	Date	Time	Location	Results
Sat	08/09/08	8:00pm	Home	THE SUBJECT IS NOT HOME AT THIS TIME PER CO-TENANT. Attempt made by: ANDY ESQUER. Attempt at: 349 11TH AVENUE SAN FRANCISCO CA 94118.
Sun	08/10/08	12:00pm	Home	NO ANSWER. NO ACTIVITY. Attempt made by: ANDY ESQUER. Attempt at: 349 11TH AVENUE SAN FRANCISCO CA 94118.
Mon	08/11/08	12:15pm	Home	Substituted Service on: ZHI GUANG CEN and JANET LI ZHEN HE, husband and wife Home - 349 11TH AVENUE SAN FRANCISCO, CA. 94118 by Serving: JANET LI ZHEN HE Competent Member of the Household over 18 by leaving a copy of the document(s) with: ZHI GUANG CEN, CO-TENANT. Served by ANDY ESQUER
Tue	08/12/08			Mailed copy of Documents to ZHI GUANG CEN and JANET LI ZHEN HE, husband and wife

3. **Person Executing**

- a. ANDY ESQUER
 b. **FIRST LEGAL SUPPORT SERVICES**
 1138 HOWARD ST.
 SAN FRANCISCO, CA 94103
 c. 415-626-3111

Recoverable Costs Per CCP 1033.5(a)(4)(B)

d. **The Fee for service was:**

- e. I am. (3) registered California process server
 (i) Independent Contractor
 (ii) Registration No.: 2007-0001009
 (iii) County: San Francisco

4. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.



Attorney or Party without Attorney: THOMAS E. FRANKOVICH THOMAS E. FRANKOVICH, APLC 4328 REDWOOD HIGHWAY SAN RAFAEL, CA 94903 Telephone No: 415-444-5800 FAX No: 415 674-9900				For Court Use Only	
Attorney for: Plaintiff Insert name of Court, and Judicial District and Branch Court: United States District Court Northern District Of California				Ref. No or File No.: HAPPY DRAGON	
Plaintiff: CRAIG YATES, et al. Defendant: HAPPY DRAGON, et al.					
PROOF OF SERVICE By Mail		Hearing Date:	Time:	Dept/Div:	Case Number: CV-08-3183-BZ

- I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
- I served copies of the Summons In A Civil Action, Complaint For Injunctive Relief And Damages; Civil Cover Sheet; Consent To Proceed Before A United States Magistrate Judge; Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States District Judge; Notice Of Assignment Of Case To A United States Magistrate Judge For Trial, Drop Box Filing Procedure; Welcome To The U.S. District Court; Scheduling Order For Cases Asserting Denial Of Right Of Access Under Americans With Disabilities Act Title III, Standing Orders; Standing Orders For All Judges Of The Northern District Of California; Ecf Registration Information Handout; Dispute Resolution Procedures; Letters Dated August 6, 2008 (3).
- By placing a true copy of each document in the United States mail, in a sealed envelope by **First Class** mail with postage prepaid as follows:
 - Date of Mailing: Tue., Aug. 12, 2008
 - Place of Mailing: SAN FRANCISCO, CA 94103
 - Addressed as follows: ZHI GUANG CEN and JANET LI ZHEN HE, husband and wife
349 11TH AVENUE
SAN FRANCISCO, CA 94118
- I am readily familiar with the business practice for collection and processing of correspondence as deposited with the U.S. Postal Service on Tue., Aug. 12, 2008 in the ordinary course of business.
- Person Serving:
 - AARON DANIEL
 - FIRST LEGAL SUPPORT SERVICES
1138 HOWARD STREET
SAN FRANCISCO, CA 94103
 - 415-626-3111

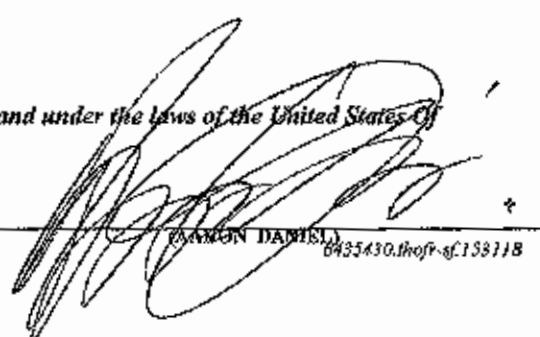
Recoverable Cost Per CCP 1033.5(a)(4)(E)

d. The Fee for Service was:

- c. I am: (3) registered California process server
- Independent Contractor
 - Registration No.: 2008-0001059
 - County: San Francisco

8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Tue, Aug. 12, 2008


 AARON DANIEL
 6435430.thofr-sf.158118

Attorney or Party without Attorney THOMAS E. FRANKOVICH THOMAS E. FRANKOVICH, APLC 4328 REDWOOD HIGHWAY SAN RAFAEL, CA 94903 Telephone No: 415-444-5800 FAX No: 415 674-9900				For Court Use Only	
Attorney for: Plaintiff Insert name of Court, and Judicial District and Branch Court: United States District Court Northern District Of California Plaintiff: CRAIG YATES, et al. Defendant: HAPPY DRAGON, et al.				Ref. No. or File No.: HAPPY DRAGON	
PROOF OF SERVICE SUMMONS IN A CIVIL		Hearing Date:	Time:	Dept/Div.	Case Number: CV-08-3183-BZ

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2. I served copies of the Summons In A Civil Action; Complaint For Injunctive Relief And Damages; Civil Cover Sheet; Consent To Proceed Before A United States Magistrate Judge; Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States District Judge; Notice Of Assignment Of Case To A United States Magistrate Judge For Trial; Drop Box Filing Procedure; Welcome To The U.S. District Court; Scheduling Order For Cases Asserting Denial Of Right Of Access Under Americans With Disabilities Act Title Iii, Standing Orders; Standing Orders For All Judges Of The Northern District Of California; Ecf Registration Information Handout; Dispute Resolution Procedures; Letters Dated August 6, 2008 (3)
3. a Party served: **CHENG SANDY X HONG, an individual dba HAPPY DRAGON CHINESE RESTAURANT**
4. Address where the party was served: **3608 BALBOA STREET
SAN FRANCISCO, CA 94122**
5. I served the party:
- a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Mon., Aug. 11, 2008 (2) at: 12:00PM
6. The "Notice to the Person Served" (on the Summons) was completed as follows:
- a. as an individual defendant
7. Person Who Served Papers:
- a. **ANDY ESQUER**
- Recoverable Cost Per CCP 1033.5(a)(4)(B)
- d. The Fee for Service was:
- e. I am: (3) registered California process server



- (i) Independent Contractor
- (ii) Registration No. 2007-0001009
- (iii) County: San Francisco

8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Tue, Aug. 12, 2008